



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-5171



November 12, 2002

**LETTER OF DEFICIENCY# WSEB 02-164**  
Certified Mail# 7099 3400 0003 0690 9816

Charlene Fagnoli  
PO Box 689  
Moultonborough, NH 03254

Subject: Moultonborough - Public Water System: Italian Grill and Tavern (EPA #1618280)

Dear Ms. Fagnoli:

The records of the NH Department of Environmental Services (DES) show that the Italian Grill and Tavern water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit chemical samples according to the system's established sampling schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

DES records show that the subject water system failed to submit the following chemical sample result for the following monitoring period (calendar quarter).

**Quarter 2 – 2002 – Nitrate**

As a result of the failure to submit the above-described sample, a Notice of Violation (NOV), dated **August 9, 2002**, was sent to you. The NOV requested that you immediately submit the above-described sample as a make-up sample. To date, DES has not received the make-up sample result, thus placing the water system in violation of Env-Ws 326.

DES believes the monitoring/reporting deficiency can be addressed by taking the following action:

**By November 22, 2002**, submit the Nitrate "make-up sample" to the State laboratory or a State-certified laboratory. Please use the enclosed analysis result form when submitting the sample to your laboratory.

Pursuant to Env-Ws 351, the failure to submit the Quarter 2–2002 Nitrate sample required you to perform public notice of the monitoring/reporting violation. The **August 9, 2002**, NOV requested that you perform the public notice within 30 days and submit proof of public notice to DES within 10 days of providing public notice. To date, DES has not received proof of public notice, thus placing the water system in violation of Env-Ws 351.

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DES believes the public notice deficiency can be addressed by taking the following actions:

1. **By November 22, 2002**, provide public notice of the failure to submit the Quarter 2–2002 Nitrate sample, as specified on the enclosed form; and
2. **By November 30, 2002**, provide proof of public notice to DES, as specified on the enclosed form.

In the event compliance is not achieved within this period, DES may take further enforcement action. These actions include issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.


The proof of public notice as requested above should be addressed as follows or faxed to (603) 271-5171:

Jeanne D. Lawson  
Department of Environmental Services  
Water Supply Engineering Bureau  
6 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

Please contact Jeanne Lawson at (603) 271-6703 or by email at [jlawson@des.state.nh.us](mailto:jlawson@des.state.nh.us), if you have any questions regarding this letter.

Sincerely,

  
**COPY**

 Anthony P. Giunta, P.G., Administrator  
Water Supply Engineering Bureau

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Enclosure: Analysis Request Form  
Public Notice Form

cc: Gretchen Rule, DES Legal Unit (w/o encl.)  
Donald Cahoon, Town of Moultonborough Health Officer (w/o encl.)  
Food Protection Bureau, DHHS (w/o encl.)  
EPA, Region 1 (w/o encl.)